

Prob 12C
(Rev. 05/19 - D/SC)

United States District Court

for

District of South Carolina

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Joseph Robert Guernsey

Case Number: 4:11CR00413-001

Name of Sentencing Judicial Officer: The Honorable R. Bryan Harwell, Chief United States District Judge

Date of Original Sentence: April 25, 2013

Original Offense: Bank Fraud, in violation of 18 U.S.C. §§ 1344 and 2

Original Sentence: The defendant was committed to the custody of the United States Bureau of Prisons for a total term of twenty-one (21) months followed by five (5) years' supervised release. The following special conditions were ordered: 1) The defendant shall not open additional lines of credit without the approval of the U.S. Probation Office; 2) The Court reserves the right to increase or decrease restitution payments based on the defendant's income; 3) The defendant shall pay restitution in the total amount of \$755,360.76 joint and several at a rate of \$500 per month to commence thirty (30) days after release from imprisonment; and 4) The defendant shall pay a special assessment fee of \$100 (paid June 9, 2014).

Type of Supervision: Supervised Release

Date Supervision Commenced: December 10, 2014

Assistant U.S. Attorney: William E. Day

Defense Attorney: Lonnie Morgan Martin
Mary Ashley Martin

Previous Court Action/Notification(s): On August 4, 2017, the Court was notified of the following violations: 1) Failure to pay restitution as ordered by the Court; 2) New Criminal Conduct: Careless Operation (67 in a 45-mph zone) (Ticket No. 40432GZ); 3) New Criminal Conduct: Disobeyed Traffic Control Device (Ticket No. MZ715MVJQN); and 4) New Criminal Conduct: Unauthorized Use of Restricted Vehicle on Parkway- Trailer (Ticket. No. MZ715MVJJO). On August 8, 2017, the Court ordered the U.S. Probation Office to conduct a financial investigation on any current businesses run by the defendant and any other income of the defendant and report this information back to the Court.

On September 26, 2017, the U.S. Probation Officer reported to the Court the outcome of the defendant's financial investigation. It was found that the defendant had the ability to pay his \$500 Court-ordered monthly restitution payment.

On February 4, 2019, the Court was notified of the defendant's failure to pay restitution as ordered by the Court. At that time, the defendant was \$2,000 in arrears (four payments) on his restitution. After a Financial Investigation, the defendant was determined not to be in willful violation of failing to pay his Court ordered restitution. The defendant's commercial fishing license expired due to the recent government shutdown, and the defendant was unable to work. The Court agreed with the U.S. Probation Office's recommendation to allow the U.S. Probation Office to continue to work with the defendant.

PETITIONING THE COURT

- ☐ To issue a warrant
- ☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number**Nature of Noncompliance**

- 1 **Failure to Pay Restitution as Ordered by the Court:** Mr. Guernsey was ordered to pay restitution in the amount of \$755,360.76, at the rate of not less than \$500 a month. Pursuant to a Judgement and Order of Forfeiture, \$614,154.37 was forfeited and applied towards his restitution on June 21, 2013. Mr. Guernsey was released from custody on December 10, 2014. Mr. Guernsey is currently \$6,975 in arrears on his restitution, which is 14 payments. As of this date, the defendant has paid \$23,025 towards his restitution obligation, and has a remaining balance of \$118,181.39. The defendant's last payment was made on November 13, 2019, in the amount of \$1,000.00. However, he did not make any payments between December of 2018 and October of 2019.
- 2 **New Criminal Conduct: Careless Operation (Ticket No. 40432GZ):** On January 25, 2015, the defendant was stopped by the Georgetown Police Department for speeding. Mr. Guernsey was clocked going 67 miles per hour (mph) in a 45-mph zone. On February 18, 2015, Mr. Guernsey appeared in Georgetown Magistrates Court, Georgetown, SC, and was ordered to pay a \$160 fine. He subsequently paid the fine on the same date.
- 3 **New Criminal Conduct: Disobeyed Traffic Control Device (Ticket No. MZ715MVJQN):** On May 11, 2016, the defendant was stopped by the Westchester County New York Police Department, Westchester County, NY, for disobeying a traffic device. The defendant was scheduled to appear in New Rochelle City Court, New Rochelle, NY, on July 12, 2016. However, Mr. Guernsey failed to appear in Court and the charge is still pending.
- 4 **New Criminal Conduct: Unauthorized Use of Restricted Vehicle on Parkway - Trailer (Ticket No. MZ715MVJJO):** On May 11, 2016, the defendant was stopped by the Westchester County New York Police Department, Westchester County, NY, for disobeying a traffic device. The ticket reports he was towing a trailer which was restricted on the parkway. The defendant was scheduled to appear in New Rochelle City Court, New Rochelle, NY, on July 12, 2016. However, Mr. Guernsey failed to appear in Court and the charge is still pending.

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New Criminal Conduct: Ordinance/Careless Operation of Vehicles (Ticket No. 7102P1047189): On May 10, 2019, the defendant was stopped by South Carolina Highway Patrol. Mr. Guernsey was given a ticket for Ordinance/Careless Operation of Vehicles. On June 26, 2019, the defendant appeared in Central Traffic Court, Georgetown, SC, and was ordered to pay a fine of \$50. He subsequently paid the fine on the same date.

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New Criminal Conduct: Speeding (Ticket No. 7102P0587115): On July 6, 2019, the defendant was stopped by the South Carolina Highway Patrol for speeding. Mr. Guernsey was clocked going 44 miles per hour (mph) in a 35 mph zone. This case is currently pending in Central Jury Court, Conway, South Carolina.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 4, 2019

Brian Johnson

Brian Johnson
U.S. Probation Officer
Florence Office

Reviewed and Approved By:

Cheryl L. Townsend

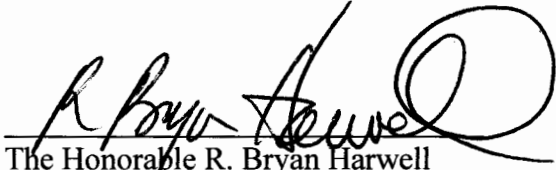
Cheryl L. Townsend
Supervising U.S. Probation Officer

THE COURT ORDERS:

- ☐ No action.
- ☐ The issuance of a warrant.
- ☒ The issuance of a summons.
- ☐ Other
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BOND CONSIDERATION:

- ☒ Bond to be set at the discretion of the United States Magistrate Judge.
- ☐ No bond to be set.
- ☐ Other (specify):


The Honorable R. Bryan Harwell
Chief United States District Judge

12-4-19
Date